SOME HON. MEMBERS : Yes, yes.

The Statutory Resolution was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That the Bill further to amend the Representation of the People Act, 1951 as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The house will now take up clause by clause consideration of the Bill. Before that, there is an amendment by Shri P. C. Thomas. Are you moving your amendment, Shri P. C. Thomas ?

SHRI P. C. THOMAS (Mavattupuzha) : In the light of the explanation which has been given I am not moving my amendment. The intention of the amendment was only to see that elections in Jammu and Kashmir will not be delayed. In the light of the explanation given by the Hon. Minister that the Government is all for having the elections at the earliest, with the hope that the Government will take all steps to do so, and that it will not give a free hand to the Election Commission to take up the elections at any time, I withdraw the amendment.

MR. CHAIRMAN : He is not moving the amendment.

15.00 Hrs

MR. CHAIRMAN : The question is:

"That Clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

MR. CHAIRMAN : The question is :

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN : The question is :

"That clause 1, the Enacting Formula and the Long Title Stand part of the Bill".

The Motion was adopted.

Clause 1, The Enacting Formula and the Long Title were added to the Bill.

SHRI RANGARAJAN KUMARAMANGALAM : I beg to move :

"*That the Bill be passed*".

MR. CHAIRMAN : The question is :

"*That the Bill be passed*".

The motion was adopted.

260 RESOLUTION RE : STEPS FOR MAINTAINING STATUS QUO OF RELIGIOUS SHRINES AND PLACES OF WORSHIP (Contd)

[*English*]

MR. CHAIRMAN : Now, we shall take up further discussion on the Resolution moved by Shri Zainal Abedin on the 12th July, 1991. Shri Sharad Dighe to continue his speech.

SHRI SHARAD DIGHE (Bombay-North Central) : Mr. Chairman, Sir, last time I have made certain observations regarding this Resolution, which is already before the House.

I am sorry today that my friends from BJP are not present on the subject with which they are really very much concerned.

Sir, last time I was saying that this sensitive issue has been made further sensitive by drawing it in the political arena and by using it as an issue for the election as far as Lok Sabha and State Assemblies were concerned.

In fact, these idols appeared for the first time at the place of that *chabutara* on 23rd December, 1949. Till that time the basic principle of co-existence of a mosque and a shrine within the same compound was adhered to and in actual practice it was so adhered till 22nd or 23rd December, 1949. The R.S.S. Mouth mouthpiece organiser on 29th March, 1987 desired us to believe that on the historical morning of December 23, 1949, miraculously these idols have been appeared on that *chabutra*. The historical facts do not support it. A radio message was sent at 10·30 a.m. on December 23, 1949 by the District Magistrate, Shri K. K. Nayar, to the Chief Minister of Uttar Pradesh, Shri Govind Ballabh Pant which reads like this :

> "A few Hindus entered Babri Masjid at night when the Masjid was deserted and installed a deity there. DM and SP and force at spot. Situation under control. Police picket of 15 persons was on duty at night but did not apparently act."

So this message shows that it was for the first time at that night only that these idols appeared at this *chabutra*. This message was based on the FIR that was made by one Shri Mata Prasad who says :

> "When I reached Janam Bhumi around 8 O'clock in the morning, I came to know that a group of 50-60 persons had entered Babri Mosque after breaking the compound gate lock of the mosque or through jumping across the walls of the compound with a stair and established therein an idol of Shri Bhagwan and painted Sita Ram, etc. on the outer and inner walls with geru (read-loam). Hans Raj on duty asked them to deter but they did not. These persons have already entered the mosque before the available PAC guards could be commanded. Officials of the district administration came at the site and involved themselves in necessary arrangements. Afterwards, crowd of 5-6 thousand persons gathered around and while chanting bhajans and raising religious slogans tried to enter the mosque but were deterred and nothing untoward happened thereon because of proper arrangements. Ram Das, Ram Shakti Das and 50-60 unidentified others entered the mosque surreptitiously and spoiled its sanctity. Government servants on duty and several others are witness to it. Therefore, it is written and filed."

That was the FIR filed by the police on duty and basing on that the message was sent. Therefore, for the first time, surreptitiously entering there, these idols were installed. Till that time only *chabutra* was existing as far as that place is concerned. This is also supported by the earlier litigation. The first litigation was on 29 January, 1885. At that time the Mahant had gone to the court for the permission to construct a temple there. That permission was refused by the court on the ground of public policy. He went in appeal also. That appeal was also rejected.

After installing these idols, then on January 16, 1950 one Gopal Singh wanted to perform pujas etc. Then he went to the court and tried to have injunction in order not to interfere with his puja rights etc. That injunction was granted. So really speaking this dispute started in the judicial court from that point of view.

This whole dispute or this whole slogan centres round three uncertain factors with respect to the religious sentiments of the BJP and those Hindus who believe that Rama was born at that place and this is the real place of birth of Ram. I would like to point out that serveral historical and archaeological facts do not substantiate these things at all.

Therefore, I would like to point out that this real dispute centres round three uncertainties which can not be established at this stage. Firstly, is it the same place where Ram was born ? Secondly, is it the same Ayodhya

which is mentioned in Ramayana ? And Thirdly whether it is Babar who demolished the temple and constructed a mosque at that place. These are the three important issues which will have to be established before proceeding further in this matter.

Now, as far as Archaeologists' evidence is concerned, it is clea and several Archaeologists have supported this, with all evidence that has surfaced recently refutes the case and not a little evidence has come to light to support the case that this was the real birth place of Ram, as they feel.

Now, as far as historical background is also concerned, there is problem of placing the birth of Ram at particular century. Many people believe that he existed in *Tratayuga* – which means a million years ago. Historians like Shri A. K. Majumdar, they place this in 15th or 14th Century BC and, therefore, it is not possible to find out exactly what was the birth place of Ram. Many religious people believe that he was the incarnation of Lord Vishnu. Apart from that, as Rajmata herself has said that he was the *Rastrapurush*, historical figure, national hero. Now, from that point of view we shall have to establish in what period he existed and what was the birth place of Ram ? From that point of view it would be possible to find out the birth place of Ram.

Now, if the present Ayodhya is considered to be the capital of this Ram, then there is brave doubt as to whether really he lived in this present Ayodhya, that is shown there. So many historians do not really believe that it was the same Ayodhya. The river Saryu has been taking meandering course several times and the city has been changing its place from time to time. It is, therefore, difficult to come to the conclusion that this is the very place which existed at the time of Ram and his empire as, we are reading in the books. At least 15 to 16 Mandir Pujaris are vouching that their temple is the real birth place. So, it is not possible to find out and even several different places are shown where people claim that this is the birth place of Ram.

Now, really speaking the Archaeologists have already established that there is no shred of evidence to support this theory that this is really the birth place of Ram. And as I said, Shri A. K. Majumdar, Shri Sharma, Shri H. D. Shankalia, everybody have expressed the doubt as far as this place is concerned.

Another point that has always been hurled upon is that it is the vindication of the national pride. Why ? Because Babar demolished that temple and mosque was constructed in its place. As far as that is concerned, I submit that that theory was also spread in this country by the Britishers. They wanted to divide both these religious groups and rule this country, we know, and, therefore, it originated first in the nineteenth century. In 1813, John Leyden, a British historian, published the memoirs of Babar and then he showed that Babar had passed through Ayodhya in March 1528. That is the only information he has given that he has passed . So, he only proved the existence or passing through this place in 1528. And taking that thread, the other British historians like Col. Sriman slowly spread this that when Babar was there, he demolished the temple and constructed this mosque. That is how slowly this is being spread which has no historical evidentiary value at all. There is no book in which this has been mentioned. Nobody has mentioned it. In fact, Sant Tulsidas, who wrote the great Ramcharit Manas in 1528, he was thirty years old. So, if it is that in 1528 any Rama *Mandir* was demolished and mosque was constructed, then Sant Tulsidas was living at that time and he was thirty years old. A great devotee of Rama, he would have mentioned in his book or in his poems this incident. As he was a great devotee of Rama, he would not have failed to mention it, if this was at all true.

Then, regarding the inscription outside this mosque, above the parapet, some people rely upon it. But it is said that this appears to have been put subsequently because it is clear that it has been written by somebody who is ill-worsed in Persian. That Persian used is not at all correct and, therefore, we cannot rely upon it at all. Therefore, I was saying that the whole myth is based upon a very poor evidence. In fact, it is based upon the evidence of Britishers who were interested in dividing the two communities and showing that somebody has demolished the *Mandir* and consttructed a mosque in its place. And this was done in the year 1856 when there were rumbles of the Revolution of 1857. Therefore, at that time this was deliberately spread in India in order to justify the annexation of Oudh by the Britishers and to create a wage among the two communities as far as this country was concerned. Therefore, we must seriously take note of all these events also before we insist upon a particular thing being demolished and a temple being constructed in its place.

I submit that this is a problem which need not be spread now any further at all. A negotiated settlement is the wisest course as far as this problem is concerned. No political problem defies any solution and in this case also if sincere efforts are made, then certainly a way can be found out. The difficulty arises as far as the BJP's leaders' statements are concerned. At one place they always assert that the mosque will never be demolished. Even the Chief Minister of Uttar Pradesh had said at Lucknow on the 28th July that : "The Muslims should not be apprehensive about the safety of the mosque. The mosque will never be demolished". But then, he further add. : "But it is only going to be shifted to another site and people of both the communities should lend their helping hand to each other in the construction of the temple and the mosque". That means they want to demolish and reconstruct it. When hey use these misleading words that they are not going to demolish but the mosque is to be shifted, according to me, it is a misleading statement. Therefore, the problem of arriving at a negotiated settlement is in difficulty. According to the BJP leaders the settlement is one that should be on their terms—that Muslims should agree that it should be demolished and should be shifted to other place—and then only there can be settlement. We cannot accept such a settlement. A settlement is always to the satisfaction of both the parties. Then only it is called settlement. Giving and taking will have to be done.

It is from this point of view that this Resolution is very important and the Resolution ought to be passed by this House. I would be happy if we add the words "nigotiated settlement" instead of a mere settlement.

As far as this Resolution for preserving and maintaining the *status quo* of all religious shrines are concerned, I think that the Congress Party refers to it in regard to other places of worship. Even in the President's Address also it is said that : "Government will make every effort to find a negotiated settlement to the Ram Janma Bhoomi-Babri Masjid issue with due regard to the sentiments of both communities involved. In case of all other places of worship, a Bill will be introduced to maintain the *status quo* as on 15th August, 1947, in order to foreclose any new controversy." Therefore, the Bill is going to refer to other places of worship and not this place. As far as this controversy is concerned, it has to be ended by a negotiated settlement having regard to the sentiments of both the parties.

It is high time that we also express our opinion in this manner so that a negotiated settlement will get some speed and we can arrive at the end of this thorny problem. Thank you.

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SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Chairman, Sir, I must express my regret that our friends and colleagues of the BJP

are not present in the House. A number of issues that had been raised by their spokesmen...(*Interruptions*)

Mr. Chairman, Babri Masjid controversy, the Ayodhya dispute raises a number of questions. Let me say at the very outset that as far as I am concerned, the Ayodhya dispute does not raise the question of the existence of Ram. It does not raise the question of the divinity of Ram. It does not raise the question of historicity of Ayodhya as the city of Dasarath. It does not raise the question of the sanctity of any element of the Hindu faith as it had been defined by the greatest of Hindu scholars.

Let me also say at the very outset, Mr. Chairman, that those who are trying to wake up the sleeping tiger of history are not likely to mount it, they are likely to end up inside the tiger. Ours is a country of long traditions going back into the hazy mists of history. And our history in the past has its ups and downs, it has its sweet moments and sour moments. it has made us what we are today, it has given us our culture and our tradition and culture, Mr. Chairman is never static. One cannot have an arbitrary date to say that it ends at a particular point of time or that it begins at a particular point of time. It has a dynamic flow of its own. So, I would like to caution some friends : Let us not wake up the tiger of history. Who knows who shall end up inside the tiger ? Mr. Chairman, as a Muslim I would like to state that I am second to none in my reverence for Ram. In fact, the Muslim community of India respects Ram as a great figure of human history, as a paragon of human virtues, as a model of human conduct. And may I remind you Sir, of the great poem on Ram written by Iqbal, one of the greatest poets that the sub-continent has produced, in which he describes Ram as "Imam-e-Hind", as the Imam of India. Mr. Chairman, please try to understand the importance of this phrase—not the Imam of a mosque, not the Imam even of a Shahi Masjid, but if you can imagine India to be a great place of worship, then the Imam of that great place of worship is Ram. That is what Iqbal means when he describes Ram as "Imam-e-Hind".

I would also like to make one more statement as a preface to whatever I have to say, and I am sure that every one in the House will agree with me, that the country belongs to all of us irrespective of our religion or culture or caste or language and when we gained freedom in 1947, it was not transfer of power by the British to a particular community of India, it was transfer of power by the British, by the colonial power to the people as a whole and therefore, to give the fact of Independence a communal dimension and to say as if a particular community of India derives any special rights by virtue of out achieving freedom in 1947 would be surely questionable before the bar of history.

Now, Sir, I have listened with great care to the spokesmen of the VHP and BJP. It seems to me that they are not quite clear about the exact status of the disputed structure. Some would admit the structure to be a mosque, but claim it was built on the site of a pre-existing temple after demolishing it. Some go further and say, "No, the structure that you see is not a mosque at all, it has never been a mosque. it cannot serve as a mosque it does not face due west, it does not have minarets, it does not have a place for ablutions. So the structure is not a mosque. The structure that you see is really a temple". And there is also a position in between,which says : "The original structure at the base is the temple. However, the muslims, Mir. Baqi or Babar, put domes over it and converted the temple into a mosque, not by demolishing it, but simply by putting domes over it and therefore, the domes can be removed and it can be reinstated as a temple."

There is also another point that they do not clarify : What is the distinction between Ramjanmasthan

and Ram Janma Bhoomi ? I once asked this question to the late Prime Minister Shri Rajiv Gandhi, and of course, with due respect to his memory, he could not quite distinguish between them. To my mind, Ram Janma Bhoomi cannot be a small piece of land; Ram Janma Bhoomi is the whole of this country. It cannot be defined in limited terms and restricted to a place, so many feet by so many feet. Perhaps, the word 'Ram Janmasthan' would be more appropriate to describe the birth site.

Mr. Chairman, Sir, perhaps you are aware that there is already a magnificient temple in Ayodhya which is called Ram Janmasthan Mandir, which stands just to the north of Babri Masjid which is regarded with a special reverence by all the Mahants of Ayodhya. In fact, when a new Mahant in any temple of Ayodhya ascends the '*gaddi*', the rights take place in the Ram Janmasthan Mandir; there, he is enthroned in his new seat. So, already there is a temple, right next door which not only claims to mark the birth site of Lord Rama, but has been accepted practically by the entire Hindu world as worthy of a special reverence for centuries.

Mr. Chairman, Sir, many things have been said and facts have been invented and myths presented to us as history. It is said that hundreds of battles had been fought since 1528 and that hundreds of thousands of people had lost their lives in trying to reclaim the Ram Janmasthan Mandir; history does not record any such warfare, any such conflicts and any such confrontation. It has been said that in 1855-56, there was a confrontation between the Hindus and Muslims on the Babri Masjid. The conflict in 1855-56 was about a small mosque which was next to the Hanuman Garhi which had fallen into disuse and was said to have been incorporated into the Hanuman Garhi. The dispute, at that time, was, of course, fanned by the British as Shri Sharad Dighe pointed out, that it was about that mosque standing next to Hanuman Garhi and not at all about the Babri Masjid. In fact, right upto 1949, there had been no claim on the Babri Masjid at all. The 1885 case referred to the petition by the Mahant of Ram Chabutra to build a mandir on the Ram Chabutra and the petition was also not concerned with the Babri Masjid at all. If you read the entire plaint, you will not find a single word there in which the Mahant had claimed that while he has to make do with the Ram Chabutra, the real birth site of Lord Rama is where the Babri Masjid stands a few feet away. Therefore, one basic point which I am making is this; right upto 1949, there is no recorded claim on the Babri Masjid being the birth site of Lord Rama. This is something to which I would put the Vishwa Hindu Parishad to challenge. In 1949, there was, in the words of the affidavit recorded by the then District Magistrate, an illegal and surreptitious installation of idols of Bala Rama inside the Babri Masjid on the night of December 22 23, 1949. It is a matter of fact that the report of this trespass was made by a Hindu constable on duty; it was made to the Hindu Daroga of the Ramkot Thana and the matter came up before a Magistrate who also happened to be a Hindu and those records are before us. Subsequently, section 144 and section 145 proceedings began, the property was attached, put in the hands of a receiver and there was a *status quo* order that until the parties concerned prove their title, the property shall remain attached.

Now at the moment, there is a consolidated title suit—there are four suits which have been consolidated —which is before the Special Bench of the Lucknow High Court and the matter is pending before them. This Special Bench has re-affirmed—not once but twice—that the *status quo* must be maintained until the title is decided.

Let me add here that on 1st February, 1986 when the Babri Masjid was

unlocked by the order of the District Judge of Faizabad, that was not a judgement on the substantive question of title to the disputed property. In fact, the order itself says that this order is without prejudice to the question of title which is pending in other suits. The order was merely to permit darshan by the Hindu community in general. I may question the legality of that order but that order does not in any way serve to establish that the District Judge has decided the title of the disputed property and handed it over to the Vishwa Hindu Parishad.

It is ironical that while the idols were illegally introduced on the night of 22-23 December, 1949 in the disputed premises, they continue to be there by virtue of an interim order of the court that the *puja* such as this has been carried out, under a scheme finalised by the receiver has been permitted again by vertue of an interlocutory order and that darshan by the public has been allowed again by a judicial order and yet our friends on the other side say that the dispute is not subject to judicial process at all. They take advantage of every judicial order and claim rights under it but on the question of title, they say that the matter is outside and beyond the jurisdiction of the court. I cannot understand and nobody can understand—as this surpasses common sense—how anybody in good faith can take such a view. How can someone who benefits from successive interlocutory orders refuse to accept the authority of the Court of the judicial process ? It is simply impossible to understand.

Sir, much has happened during 1989 and 1990. I maintain that the *Shilanyas* was illegal. I maintain that the *kar seva* as performed was illegal because they trespassed into the disputed premises. I even maintain that the *shila yatra* which was permitted by the then Government also attracted the provisions of the Criminal law of the land because it tended to disturb and did disturb the peace of the land. *Shilanyas* was illegal because you cannot have any construction in Ayodhya or anywhere in India without the approval of the building plan by the Municipal authorities concerned and no municipal authority in India can approve a plan which includes or covers a disputed property. Therefore, any construction based on a plan which has not been approved, which admittedly includes and covers disputed property is *ipso facto* and *ab initio* unlawful and illegal. Even for argument sake if it is assumed that the particular spot where *shilanyas* was performed is just outside the disputed premises—though it is not so—even then any commencement of construction on the basis of a plan which is *prima facie* illegal is also illegal. However, the Government of India had its political compulsions, had its political priority and it then decided to permit *shilanyas*. What happened afterwards, we knew. Then, pressure was built up through Rath Yatra that the next step namely *kar seva* must be permitted. *Kar seva* was refused and we had the tragedy in Ayodhya in which certain number of people were killed. We know the political consequences. The Bharatiya Janata Party made it an issue and brought down the National Front Government; it fought the election and deliberately exploited the name of Ram to generate a Ram *lehar*. It pitted the Mandir against Mandal and got away with it. It incited the religious sentiments of the people and raised its vote in the country from 10 per cent to 21 per cent. Today having installed its Government in Uttar Pradesh it claims that by virtue of an election mandate, it has the right to do what it likes in Ayodhya.

I would like to point out that in Uttar Pradesh, even after labours, the BJP has not been able to misguide and mislead the people of the State. It got only 32 per cent of the votes cast and if you take into consideration the total votes, that amounts only

to about 17 per cent of the total electorate of the State. If after giving a religious dimension and inciting religious passions and, exciting enmity and hatred, it has been able to secure the active support of only 17 per cent of the people of Uttar Pradesh, I take this opportunity to salute the people of Uttar Pradesh for their sanity and for their secularism. They have not fallen into the communal trap and, therefore, I regard the present Government in Uttar Pradesh as a passing phase and the people, I am sure will reject them in the next elections. In any case, that does not give them a mandate. If they secure 21 per cent of the votes in the country on this question, 80 per cent of the electorate voted against them in the country on this question. If they have secured 32 per cent in Uttar Pradesh on this question, then 68 per cent of the people of Uttar Pradesh voted against them on this question. Therefore, Shri L. K. Advani or the BJP cannot claim that it has got the freedom to do what they please merely on the basis of an election mandate.

In any case, a dispute of this nature in a democracy cannot be solved by voting. It cannot be solved by resort to bullet and it cannot be resolved by resort to ballo'.

It can only be resolved by negotiations.

To my mind, the Babri-Masjid question today has become a test case for the survival of democratic order in this country. I maintain that the target of those who wish to demolish is not the Babri-Masjid. It is really the secular order and those who are planning to construct Ram temple in Ayodhya are not really Ram Bhaktas, anxious to add to the glory of Ram, but they are really trying to Hindu Rashtra.

Therefore Babri-Masjid today is not just a religious question. It is not a religious dispute. It is a constitutional question. It is a legal question and it is a political question. We must consider the political reality, that on this question, between 1983 since this issue was revived and 1991 BJP stands totally isolated on this question. The BJP is against legal determination of the rights of parties.

All parties favour that if negotiations fail, then judicial process provides the only solution. All parties are for unconditional negotiation. But as Shri Sharad Dighe pointed out BJP always equates that negotiated settlement with total surrender by the Muslim community of its rights in the disputed property. All parties are in favour of maintaining the *Status quo* in the meantime. The BJP wants to change it unilaterally.

All parties are in favour of a law to protect the status of all places of worship as it existed on the day of independence. BJP is against that. So, we can see that there is a clear line up politically, with BJP on one side and the rest of the country on the other. The moral conscience of the nation, and the political consensus of the country is against BJP on this question.

I understand the dilemma of the BJP. They fought the election and they were able to instal a Government in Uttar Pradesh on this question. Today they do not know how to fulfil their electoral commitment because it is absolutely clear that there can be no compromise between their oath of allegiance to the Constitution of India as by law established and the fulfilment of their electoral commitment. They have to make a choice, either they are a *bona fide* political party or they are outside the purview of the Constitution. It is absolutely clear that on this issue, we all must come to a very clear choice. I am afraid, Mr. Chairman, that if through demolition Shri Singhal can have his Temple, surely those of us who regard our great country as a place of worship shall lose our Temple.

We have negotiations since 1987. Between June 1987 and October 1987

the then Home Minister S. Buta Singh conducted negotiations with the Vishwa Hindu Parishad and the Babri Masjid Movement. Initially the Government had taken that line that it was not a matter of concern for them; that was a local problem; that was a State problem and that the matter should be sorted out in Faizabad or sorted out in Lucknow. Subsequently, they realised and this had become a national question and finally they decided to hold negotiations. They agreed that if no common-ground was established then the only way—and the Government was committed to that—was to revive and expedite the judicial process. That was done. Then came the Vishwanath Pratap Singh Government. The National Front Government formed a Committee under Prof. Madhu Dandavate. They did not have very protracted negotiation. But they had some sessions with both the parties. They also came to this conclusion that there was no commonground to be found between the position taken by the Vishwa Hindu Parishad which was for a total surrender of all the rights of the Muslim community in the property and the position taken by the Babri-Masjid Movement that they were committed to respect the rule of law but they were not prepared to sign away the property under pressure or coercion.

Then came the Chandra Shekhar Government. The Chandra Shekhar Government, in my view, adopted a very misconceived position. In their haste to show some results to the country, they tried to bring the two parties face-to-face with themselves acting as the umpire. I told the then Prime Minister that the Executive cannot substitute for the judiciary; that the Prime Minister of India is not a Court; he is not a Commission of Inquiry; he is not a tribunal. He cannot ask the parties to bring their evidence before him and then judge who has got a weightier case. Surely, the two parties can be asked to submit their evidence before the Court of Law, before the Special Bench or even before any tribunal that is specially constituted for the purpose. But the Executive cannot sit in judgement over the relative merits of the case. Therefore, what was anticipated came to happen. No results were achieved.

Sir, the position in Law is that a Mosque cannot be acquired by the State; a place of worship cannot be acquired by the State. Construction of a temple is not a public purpose. Secondly, under the Muslim Law, a Mosque cannot be gifted away by anybody. No body has the authority to gift away or sign away a Mosque.

Thirdly, the structure of a Mosque is not sacred, it is the site which is sacred. A Mosque can be demolished and can be re-built many times. In fact, the holiest of the Mosques, the Holy Mosque in Mecca and the Holy Mosque in Medina have been built and re-built several times in known History. Therefore, it is not the structure which is important; it is not the bricks and mortars, the stones that go into the structure which are important, but it is the site which is sacred and sacrosanct. A piece of land which has been set aside with due process to serve as a Mosque must remain a Mosque for all times. Therefore, idea of shifting the Masjid or re-locating the Masjid goes against the very basic theology of Islam. But the VHP's poston is that the proposed Temple must be constructed on the very site of the Babri-Masjid.

I would like to state here that no Muslim in India, no political party in India is against the construction of another temple of Rama in Ayodhya if some Rama devotees or the Vishwa Hindu Parishad want to construct a new temple. No one is against it. The muslim community has even offered that a new temple be constructed on a site adjacent to the mosque. But the VHP insists that, the exact birth site of Lord Rama is exactly where the idols are now placed inside the

mosque. Therefore, the *Garbha Greha* of the proposed temple must be exactly located where the idols are now placed. Of course, they propound the theory of divine manifestation. The theory of *Pargat*, of course, nobody has any proof, nobody has offered any proof. But the fact is that on the morning of the 23rd December 1949, idols were first placed in the fore-court of the mosque. And only later, they were shifted from the *Aangan* of the mosque to the inside of the mosque, to the *Mumbare* and then under the *Mehrat*. Therefore, to say that *Pargat* took place where the idols are now placed again is a distortion of fact. Therefore, their insistence that the *Garbha Greha* must be located where the idols are, only implies that the mosque must be demolished in order to build the temple. It is this attitude which is coming in the way of a negotiated settlement.

A compromise is possible. We must note the good sense of our people. Number of opinion polls have been taken and the majority of the people, even in North India, are in favour of construction of a temple but they are against the demolition of the existing Masjid. This is the good sense of our people and this is the secular temper of our people. All political parties are against the demolition of the M sjid. Therefore, as I said, a compromise is possible. A temple can be built to the North, to the South, to the East and to the West of the Babri Masjid. Perhaps, the existing Rama Janma Sthan Temple can be re-built on a grand scale if it is accepted. And this has been accepted for many centuries that the *Ram Janma Sthan* Temple marks the birth site of Lord Rama. But the Vishwa Hindu Parishad is out to play a political game. It is not the *Rama-Bhakti* which impels them. It is the political urge which propels them. It is the political question and not a religious question. And that is why without any proof, they insist, "no, the real birth site of Lord Rama in Ayodhya is not the *Ram Chabutra*, is not the *Ram Janma Sthan Mandir*, it is not the 16 other temples which *Mahants* claim as the birth time of Lord Rama, but it is somewhere inside the Babri Masjid exactly under the main arch the Mehrab of the Masjid is". And this without offering any proof at all. Who can today determine with exactitude even if we accept Ayodhya as the city of Rama, where exactly in Ayodhya Rama was born.

Recently a group of historians and scholars from Allahabad University plotted on the map of Ayodhya the directions given in the *Skandha-purana* and *Ayodhya Mahatmaya*, to find the exact place where Lord Rama might have been born. They came to five different spots and none of the spots coincides with the present site of Babri Masjid. That was a special research team of Allahabad University led by a historian Professor Shri Sushil Srivastava.

The VHP raises another question that the Babri Masjid stands on the site of a pre-existing temple. Nobody ever saw the temple or described it. It was said that the temple was built by Vikramaditya. Then it was said that it was built in the 11th century by the Gurjars. Now let me first point out that Babar was not the first muslim to reach Ayodhya. Ayodhya was taken by the Ghories in 1194 from the empire of Kanauj.

And from 1194, right up to 1526, when Babar came to India, it remained under Muslim Rule. It grew into a great centre of Muslim learning and culture. There is no record at all between 1126 and 1528 of the existence of any such temple in Ayodhya. Fahien came there during Harshavardhan's time; Huen Tsang visited Ayodhya and neither of these travellers ever saw such a magnificent temple. So this temple built by Vikramaditya or by the Gurjaras in the late 11th or 12th century is nothing more than a pigment of imagination. No contemporary historians right up to 1528, no

records, no inscriptions, no coins, nothing support the theory that a temple existed on the site. Between 1528 and until today, until we come to the time of historians like Pannikar, no eminent historian has said that in 1528, a temple existed on the site, which was demolished in order to make place for Babri Masjid.

As Shri Dighe very correctly pointed out, the greatest Ram Bhakt of all times, Tulshidas—who is responsible for the spread of Ram cult in North India, who brought the life of Ramchandraji within the reach of the common man by writing. Ramacharita Manas in Avadhi—does not mention the demolition. He was a contemporary of Babar. Of course, he had a long life and he was also contemporary of Akbar. If any desecration had taken place in the time of Babar, Tulshidas, who was in touch with the great nobles of Akbar's Court—at least about Akbar's secularism, we can have no doubt—through his letters he could have brought the matter to the attention of the nobles like Todarmal or Jai Singh and sought the restoration of the most sacred place of the Hindu community in Ayodhya. Ramayana is silent about it. One can explain it. After all Ramayana was dealing with a time long gone-by but none of his letters now available to us under the compilation of *Vinay Patrika*—make any such reference at all.

Therefore, Sir, we have no historic evidence; no geological evidence; no acrch eological evidence about the existence of a temple in the site of Babri Masjid in 1528, which was demolished in order to make way for the Babri Masjid.

A number of things are being said here to mislead the people. It is said that the Muslims have not used the Babri Masjid and have not offered *'Namaz'* there since 1934. It is not correct. The Imam of the Mosque, Maulvi Abdul Gaffar, died a few month ago. But, we have his affidavit. He was nearly 98 years when he died. He led prayers in the Babri Masjid right up to 22nd December, 1949. But even if you accept it for argument's sake, that the Muslims for their own reasons abandoned the Masjid since 1934, how does it establish a rival claim on the Babri Masjid ? How does it establish the right of Vishwa Hindu Parishad to convert it into a temple ? But then, we have the Wakf records; Babri-Masjid was managed by U.P. Wakf Board right from the day, when the Wakf Act was promulgated in the early 30s, and there are a number of reports of the Wakf Inspectors and so on and so forth.

It has been said that the Muslims have not been anywhere near the Masjid since 1949. This is true. The muslim community was prevented by the judicial order from going anywhere near the Babri Masjid. But, can I lose my right if I obey a judicial order ? Does illegal occupation create a right ? Does abiding by a law, destroy a right ? These are not agruments at all. It is said that the District Judge's order was a judgment. As I explained to you, it was not a judgment but it was only an interlocutory order whose legality, whose constitutionality has been challenged by the Writ Petition, which is still pending before the special Bench of the Allahabad High Court.

16.00 hrs.

[SHRI SHARAD DIGHE in the Chair.]

It was said here that the Supreme Court had permitted the *Shilanyas*. This is not true at all. The Supreme Court did not go into this question at all ..... (*Interruptions*).... May be if so permitted by Shri Buta Singh under an agreement with the Vishwa Hindu Parishad, subject to certain conditions and promise of good behaviour in future, if I may say so. Unfortunately, that was also not fulfilled. In fact, the only order that we have is that of 7th November

1989 by the Special Bench of the Allahabad High Court which clearly says that Plot No. 586, where *Shilanyas* was performed, is part of the disputed premises. Now, the local administration, by superimposing a rough map on an accurate map, tried to please its masters by pointing out that the little corner where *Shilanyas* was actually performed was outside the rough map attached to the original plaint. Therefore, the site was undisputed. The executive did not have the courage to go back to the judiciary with this explanation and get a clarificatory order from it. The executive unilaterally decided as to what was part of Plot No. 586 and what was not. Anyway, today it is being demanded that they should be permitted to go to Plot No. 586. Here, Sir, I would like to point out that Plot No. 586 is clearly demarcated. And even if, for agrument's sake, it is accepted that the *Shilanyas* took place just outside the disputed premises and if what is being demanded today is permitted by the Government of Uttar Pradesh, if one step forward is taken towards the Babri Masjid, then it will violate the *status quo* premises. It will enter into the disputed premises because beyond the *Shilanyas* site which is a very small site and beyond that admittedly lies Plot No. 586, which is part of the disputed premises. It comes under the ban, under the *status quo* order of the High Court. And therefore, any construction before the title suit is decided, even if one brick is laid into the disputed area, will be violation of the law of the land and constitute an act of contempt.

Sir, it has been said that Babri Masjid is a matter of national honour. I would like to point out that Babri Masjid has been known by various names throughout history. Today, we call it Babri Masjid. It was also called Jama Masjid, Ayodhya. It was called by several other names. It is not a memorial to Babar. In fact, it is doubtful whether Babar ever visited Auyodhya or not. All that the inscription says is that a noble man of the court of Babar, Mir Bagi constructed the Masjid 'Ba Farmooda-e-Shah-e-Babar', i.e., according to the instructions of King Babar. What I was once told Giani Zail Singhji. I do not mind repeating here. There are friends who objects to Babri Masjid because Babar was an invader and how can you commemorate his memory by calling it Babri Masjid? I said that if that will please Shri Singhal, the Muslim community would be prepared to re-name the Babri Masjid and call it by another name. A mashid is never a memorial to an individual. A masjid is a masjid and that is that.

Sir, Babri Masjid has been compared to Somnath case. The fact of the matter is that in the case of Somnath, there was no dispute at all. It was a clear case of renovation of an ancient temple. There was no legal case pending there was no *status quo* order and there was no dispute. How can the Somnath case be compared to the case of Babri Masjid ?

Then, Sir, somebody has said, 'Oh' the Muslim community, the Babri Masjid Movement wants that the law of the land be respected.' They have become great votaries of the legal system today. And yesterday, when the Shahbano case came up, they wanted the law to be changed. I am sure that the VHP and BJP have got enough legal intelligence to understand that in any case, there are always questions of law and questions of facts. Whenever any order or judgement of any court violates the spirit of the law, then the Legislature which is supreme, redefines the contours of the law. I do not have to tell the august House how many a times we have amended the Constitution in order to nullify the impact of judgement or order of the Supreme Court. But not on a question of fact ! If there is a finding by a court of law on a question of fact, that cannot be changed. Therefore,

we must make a clear distinction. In the Shah Bano Case, it was a question of law, the question of interpretation of the Shariat by the Supreme Court. It was challenged by the Muslim community and the Parliament of India in its wisdom decided to bring the law back in line with the Shariat, because the Shariat is the law of the land as far as the Muslim Personal law is concerned. No question of fact was involved. In this case, it is a question of fact whether the property in dispute is a mosque or a temple, whether it belongs to X or Y, whether it belongs to this community or to that.

Relocation has been mentioned here. I would like to reiterate that the proposed shift is technologically impossible because the Babri Masjid does not consist of big pieces of stone which can be dismantled and reinstalled on some other site. It is built of small rubble pieces of stone, mortar and bricks. Therefore, one cannot take it apart and reassemble it.

But more than that, as I have explained to you, shift is theologically unacceptable for the Muslims. It has been claimed that many mosques have been shifted in other countries including Pakistan. Let Pakistanis do what they like. Of course, I saw the contradiction in the press by the Pakistani Embassy that no mosque was shifted in Pakistan. I am not aware of any specific case in any other Muslim country. But there is a possibility in one school of Muslim Jurisprudence that for a public purpose, a mosque can be demolished. But obviously, public purpose cannot be stretched to mean that a place of worship can be of one community demolished in order to build a place of worship for another community on the same site.

I have faith in the people of our country. I have faith in the secular order. And the Muslim community has been agitating on this question with full faith in the secular approach of our people and in the credentials of the secular State. They do not consider that the Vishwa Hindu Parishad or the BJP represents the entirety of the Hindu community. That they alone have the monopoly to defend the Hindu case or project the Hindu view. They are not the sole representative of the Hindu Community.

Sir, coming to the second question of maintaining the status of all places of worship as on 15th August 1947, the idea was first mooted by the Quami-Ekta Sammelan held in 1950 by eminent Gandhians and the proceedings were published in *Navjeevan*. Subsequently it was adopted by the Janata Party and later by other parties. It was also demanded by the Babri Masjid Movement. Let there be a law that the status of all places of worship as on 15th August 1950 shall remain intact. Why 15th August 1947 ? Why not any other date ? This is the question. For this, the primary argument is that 15th August 1947 is the date on which power was transferred by the British to the people of India. On 15th August 1947, the people of India became masters of their destiny and responsible for their actions — for their acts of omission or commission. Before 15th August 1947, whatever might have happened in history, the people of India are no responsible. Therefore, we must respect that as a dividing line in our history where we must begin a new process of reconsiliation

Therefore, the Indian people with full sense of their democratic responsibility must decide that a change of sovereignty, that a transfer of power, will not affect the civil rights, of communities or individuals. Therefore, what was a temple on that date will remain a temple and what was a mosque shall remain a mosque. There can be no other line of division and no civilised society can brook the idea of replacing one set of place,

of worship with another set of places of worship with every change of authority. Places of worship cannot be treated as booties of war in the modern times.

Therefore, I conclude by saying that it is still possible to settle the question through negotiations. If negotiations are not synonymus with surrender by one party to the other, there can be several positions in which by give and take, by respecting each others sentiments and by respecting each others rights the Ayodhya dispute can be resolved in the interest of the people of India as a whole, in the interest of communal harmony and in the interest of social peace.

I must make one point and that is a very important point, Mr. Chairman Sir, Legally the Muslim community has an irontight, water tight case but they are prepared - and this has been said many a time—to make extra concession to say that the *Shariyat* does not permit the construction of mosque on an usurp land: *Shariyat* does not permit the destruction of a temple to build a mosque on that site, therefore, if on this question of fact it can be established by an eminent authority, say the Supreme Court of India, that indeed a Ram temple stood in 1528 on that site of Ayodhya and was demolished in order to build the Babri Masjid, then even though the law of the land does not apply to Muslim community to surrender the Babri Masjid, the Muslim community of India shall be prepared to give away the Babri Masjid. This was said to Justice Krishna Iyer. This was said to Shri Rajiv Gandhi and this was said to Shri Chandra Shekhar. But we said one thing more. We said that the Vishwa Hindu Parishad must also commit itself that whatever be the finding on the question of facts, must be accepted by them also.

Secondly, in the mean time while the Supreme Court or a Commission of Inquiry consisting of Supreme Court Judges is dealing with this matter, there shall be no agitation to incite the people all over the country.

Thirdly, that this concession shall not be cited against the Muslim community for launching ever more agitations, shall not be served as a precedent in order to keep the pot boiling.

I am sure, Mr. Chairman, Sir, you will accept that all these three were aptly reasonable. Unfortunately, the V.H.P. did not accept this. Therefore, on one hand I say it is still possible to find a solution through negotiations. It is still possible to construct a magnificent temple to the glory of Ram in Ayodhya which is regarded as the City of Ram, next to the Babri Masjid: on a site adjacent to the Babri Masjid. It will add glory to our country if a mosque and a temple will stand side-by-side. After all, we have a tradition of tolerance and mutual respect. If a legal solution is sought, it is still possible to have that, as I said in reference to the Supreme Court, subject to acceptance by V.H.P.

We have to come to this conclusion that if no negotiated settlement is possible; if all efforts to bring about a reasonable settlement fail then as a civilised society, as a country weded to rule of law; as a people who believe in the Constitution, we have no alternative but to let the courts decide; but to let the law takes its course. Then whether any one likes it or not; whether any individual, organisation or institution accepts it or not, it is the duty of the State to enforce the final decision, the final verdict of the court of law.

Therefore, we must end on this note that every effort must be made to settle the dispute by negotiations. The door should not be barred at any time but let the judicial proceedings go on so that in case negotiations fail to yield results, we can settle this dispute, which is eating into the vitals of our society, through civilised

human means and in the mean time let us erect the barrier to the multiplications of such disputes in our society so that more Babri Masjid disputes do not arise, and give a handle to those who wish to disturb the peace of the land and gain political capital out of it.

[*Translation*]

SHRI VISHWANATH SHASTRI (Gazipur) : Mr. Chairman, Sir, keeping in view the resolution moved by Shri Zainal Abedin, it is necessary for our national integrity to pass the resolution and enact a law accordingly. Our colleagues have said in the House that the way the question of Ram Janam Bhoomi and Babri Masjid has been raised before the country, it has resulted in great harm to the fabric of our country. The dispute has three underlying factors. First is History, second is faith and third is politics. If we look from the point of view of history we find that Pathans captured Ayodhya in 1192. In 1526, came Babar and Ayodhya came under his control. But with Ayodhya coming under his control, Babar went to Gwalior and Chanderi. He was impressed by the magnificent buildings in that place. He did not demolish those buildings but he impressed upon his son Humayun that if he had to rule over this country he would have to keep the culture of this country in mind. He would have to take care of cow and religious shrines and then only they could be popular and could rule the country. During the revolution in 1857 it was found that the people were supporting the revolt in Faizabad and the Mahants of Ayodhya were supporting the Britishers. They were providing every facility to the British soldiers. Later, in front of that mosque there was Nazul land which was given to Mahants by the Britishers as a reward. Later, the dispute arose once more. The first dispute arose in 1853. Following this, the local people conducted a compromise between the "Maths" of Hindu Community and the Muslim Community. Britishers hanged the leaders of both the communities. The matter did not end there. Public organised 'Melas' under that banyan tree and paid tributes to the martyrs. Britishers could not tolerate it and they ordered felling of that tree. That is how the controversy continued and on 23rd December, 1949 an idol was placed in that mosque. Following that a dispute arose as Shri Shahabuddin said. Shri K. K. Nayyar, Collector was responsible for all this problem, who was under the influence of R.S.S. those days. Even today, it is observed how in our judiciary and police high posts are occupied by the people with communal feelings and inspired by such feelings. Shri K.K. Nayyar ordered installation of the idol. The dispute was referred to the court and the temple was attached under section 45. Since then the case is *sub judice*. We do not comprehend whether this section 45 is invoked just to determine the real owner of the property ? When the matter is *sub judice* and attachment orders have not been vacated how did these people perform "Shilanyas". These very people were responsible for lifting section 45 and opening of the lock of the mosque. The result was that communal riots took place in our country. The people say that Babar was a foreigner. We also consider him an alien. If he demolished the temple, what happened to him? How many temples of 'Vaishnovites' were demolished by 'Shaivites' ? Who were they? How after assassinating Brahadrath, Pushpumitra instigated killing of Buddhists and plundering of buddhist Shrines and how Harsha opened a department to demolish temples in Kashmir? It is mentioned in 'Rajtarangini'.

I would like to submi categorically here that unity and integrity of the country cannot be protected if we dig out old controversies. Therefore, it is necessay that we maintain *status quo* in respect of places of worship as they existed on 15th August, 1947. It would have been better had members of BJP been here. These saints talk

of universal brotherhood and harmony on the one hand and of Hindu-Muslim issues on the other. Where are those '*Ram Bhaktas*' with lotus symbol? Had they been here I would have sought an answer from them. The other day Shrimati Vijayaraje Scindia said that during the times of Lord Ram there was no Hinduism. Only humanism was prevalent at that time. Who is responsible for that? Today Hindus are embracing Christianity, Buddhism and Islam. On the one hand they speak about the Ram Temple whereas on the other hand if a Harijan enters the Nathdwara temple he is beaten up mercilessly. What is this? What type of devotion is it? They want to gain political mileage out of it. When things go that bad, then there is need to seriously think about it. Kabirdas had said :

"*Hum mein Tum mein khadag khamb mein sab jag vyapat Ram*".

Do they want to confine Lord Ram to one place? If they want to do so, I will say that they have no faith in Lord Ram. Ram had killed Sambuk and thus he was an assassin. Who goes to his temple to worship him as an assassin ? This is an egalitarian society and therefore we have to look into all these things. Who is to blame for this ? Why don't these saints and sages make some effort in this direction ? Why don't they try to find out as to why people are embracing Buddhism or accepting Islam? It only shows prevalence of parochialism. The number of followers of Hinduism is fast reducing This is the miserable plight of Hinduism and I attribute all this to these *Rambhaktas* with lotus symbol who are making tall claims about Hinduism. I would like to appeal to all the Hon. Members that if we want to preserve national integrity, we should support this Resolution which seeks to maintain *status quo* in respect of places of worship as they existed on 15th August, 1947. We would have been happy had the Congress party moved this resolution. You must have witnessed their unruly behaviour yesterday. Whatever little soft corner you have for them, please give it up. Whatever is happening today is all because of them. They are primarily responsible and therefore, all secular and democratic forces must join hands and throw up a challenge to the fascist forces, otherwise history will never forgive us.

With these words I support this Resolution.

[*English*]

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) : Mr. Chairman, I rise to support this Resolution moved by Shri Zainal Abedin and we express our support and solidarity on our own behalf as well as our Telugu Desam Party.

Sir, lot of things have been said by several speakers during the discussion on this Private Member's Resolution. I will not repeat them. But I would like to express my feelings over this important issue which has caused utmost concern to a very large number of people throughout the country.

First of all, I wonder how the Bharatiya Janata Party which happens to be in power in the States of Himachal Pradesh, Madhya Pradesh and Rajasthan where they have their Governments to which very recently Uttar Pradesh has been added and even during the Ninth Lok Sabha there were quite a large number of Members of Parliament from that Party, can argue the way it has been doing. Many a time I wondered at their argument that this is purely concerning the faith of people belonging to a particular religion. Though everybody has his own freedom, at the same time, we have chosen the rule of law and we have dedicated ourselves to a Constitution in which the judicial process is an important organ. While they conveniently quote some court judgments which give some scope to their argument, and they put forward that court judment, but at the same, sometimes they say, "No, no. We are not bound by the verdict on this matter". This is most unfortunate.

I also perform Pooja. I have faith in God, but at the same time I do not subscribe to their views. Similarly, there are crores of people who do not subscribe to their viewss and how can the BJP take the *Vakalat* on behalf of their entire Hindu population of this country?

There is no clinching evidence that Ramchandraji was born at that exact place where the Babri Masjid is located. A large number of historians have clearly stated that there is no clinching, concrete evidence which goes to show that Lord Shri Ram was born at that particular place.

And there is nothing wrong if you have a temple by the side of Babri Masjid. When Shri V. P. Singh was the Prime Minister, his Government offered nearly 75 acres of land near Babri Masjid and with a few hundred crores of rupees they had collected, they could have constructed a very beautiful temple to Lord Sri Ram.

In Mathura, Lord Krishna's temple is there. Many Hindus do not have objection to this. But some people in Vishwa Hindu Parishad are feeling that it should have been constructed after demolishing the Muslim structure nearby. This is most unfortunate.

We swear in the name of the Constitution even before we file our nomination. And before the Returning Officer, we have to take oath, 'that I abide by the Indian Constitution'. Here there are people who say that they do not have faith in the judicial system. This is most unfortunate.

Several unfortunate things had taken place. They have chosen to overthrow a Government that was elected by the people and which was doing some service to the farmers and the poor people of this country, which had tried to do something in a very short period of time. And it was helping the farmers of this country, it was helping the workers of this country and several sections of the population and unfortunately BJP party had withdrawn its support to that Government. The Government headed by Shri V. P. Singh wanted to provide reservations for the first time to backward classes in the central sector, which was being denied all these forty-four years.

I fully support this Resolution because it sets at rest this problem by maintaining the status quo of all religious places as they exist on 15th August 1947.

Several great people like Buddha, Mahavir Jain, have given a message of peace, love to all people, irrespective of caste, creed or religion, to the whole world. And even in our times we had Mahatma Gandhi, who has shown a path of non-violence, a path of tolerance and love among one and all including the most down-trodden, who were till such time considered untouchables.

And now because of the attitude of the Vishwa Hindu Parishad and the Bharatiya Janata Party, communal tensions may increase and already a good number of people lost their lives. In this context, I want to remind that our country a case of unity in diversity. Not only Buddhism and Jainism but also some other religions which were foreign to our country, came to our country, mixed and stayed here. These religions were Zoroastrianism, Christianity, Islam and Bhaism. When in other parts of the world Jews were being persecuted, they were let in this country and given shelter. Similar is the case with Christianity. First they came to' Kerala. Zoroastrians from Iran came to our country and landed at the Western Coast in Gujarat. There was a king Jadhav Rana. These people called on the king. The king asked them: "What is it you want from us" ? Their old priest replied : "Freedom of workship". "Granted. What else do you wish" ? "Freedom to bring up our young in our own traditions and customs". "Granted. What else do you wish" ? "A small piece of land that we could cultivate, so that we may not be a burden to the people among whom we live". "Granted. In return, what will you do for the country of your adoption"? The old priest asked for a brass bowl to be

filled with milk and brought to the assembly. This was done. He then stirred a spoonful of sugar in the bowl and, holding it up in his trembling hands, asked : "Does any man see the sugar in this bowl of milk? " All shook their heads. Said the priest : "We shall try to be like this insignificant amount of sugar in the milk of your human kindness." There were murmers of approval from the crowd. Then, at a signal from the priest, all the refugees—men, women and children—prostrated themselves full length on the ground. Each picked up a handful of earth and, with tears streaming down their faces, they pressed it to their eyes and forehead.

I would like to remind our friends to recollect what Vivekananda, the great saint who had brought laurels to our great religions, Hinduism in the Chicago conference, said :

> "We had confined our religion to temples, images and rituals. We had neglected man in our society. We failed to see God in man, and to serve Him in man, though the teaching of our Vedanta is to see God in every being ..... First love man across over there, your neighbour, serve him, learn to work with him in a team, give up this tendency to picking up quarrels and litigation. It is only then that you will understand the true meaning of religion and develop the capcity to build a united strong India."

I hope, the BJP and VHP will at least now think again and give up their rigid attitude and try to solve this problem through a meaningful dialogue once for all so that there would not be communal passions roused hereafter. Already the country is paying a high price. At several places a large number of people are being killed in that madness.

We hope that this type of incidence will not recur in future. I once again, through you, whole-heartedly support this Private Members Resolution which can be adopted. I hope the Ruling Party also will support this and bring forward immediately a legislation to this effect so that things will be settled once for all. I thank you for giving me an opportunity. 394

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Mr. Chairman, Sir, every religion preaches an eternal message of brotherhood and tolerance. 'Equal respect for all religions' is ingrained in our ethos and reflected eloquently in our age-old belief of "Sarav Dharam Sambhav". This is our concept of 'Secularism'—a concept that we have chosen as a cardinal principle for running the affairs of this vast and diverse land.

We have always believed that religion occupies an important place in one's lives. It makes our lives sublime. It gives the godly peace of mind when the wordly conflicts threaten to shatter it. But, religion is a veritable double-edged weapon that can swing either way. While it equips us to attain victory of virtue over evil, it becomes a potent weapon of destruction if abused. This, we have sadly experienced on a number of occasions when communal violence has threatened to break the beautiful fabric of India's unity and integrity and has brought untold sorrow and misery to innocent lives.

The fire of communal frenzy has been lit on the pettiest of issues but today the unseemingly controversy and dispute over Ram Janambhoomi-Babri Masjid at Ayodhya threatens to engulf the entire nation in a major conflagration. I am of the belief that left to the people of Ayodhya themselves, the matter could never have acquired dangerous proportions that it has today. But, that would have deprived the vultures of their flesh—vultures that descend menacingly and fly away with flesh torn afresh from the body of motherland—that is India.

We, in our system, have conceded a pre-eminent position to judiciary. Aggrieved against any private or State action, every individual looks up to the judiciary for justice. For that matter,

any society, governed by the rule of law, can survive only if we leave the *settlement* of mutual disputes to be adjudicated upon by an impartial authority without taking law into our own hands or reverting to the law of jungle.

Unfortunately, today we find that the VHP and the BJP are threatening to go ahead with their plan to construct a temple at the place where a mosque has stood for centuries and they could not careless for the order of the High Court or the wise counsel of those to whom communal harmony and public tranquility are more sacrosanct than political power. This is a disconcerting feature, a disconcerting move pursued by those who, for narrow political ends, do not pause even for a moment to reflect over the ominous consequences of their actions and indulge in beratings against the judiciary also.

When an hon. Member from the BJP—I am sorry that they are not present here today—was moving an amendment to the Resolution, he dwelt at length referring to what he considered and held out to be incontrovertible evidence to justify the demand for removal of mosque from the present site. But, unfortunately, he and his fellow travellers decline, was very eloquently pointed out by Shri Shahabuddinji, to honour any verdict of the court and declare arrogantly that the temple would be built there and there alone. The Resolution symbolises the sentiments of every right-thinking person in the country.

I do not want to doubt anybody's patriotism. We have seen much of furore being raised over that. It is not my right to do so. But, with all humility, I submit that I cannot persuade myself to accept such acts as patriotic because these contain potent elements of cha s, communal tension, violence and disruption, that could even lead to the breaking up of the country.

Hinduism has followed, since times immemorial, the path of love, understanding and respect for other faiths. Today, we are doled out an esoteric definition of Hinduism itself. Our secularism is castigated as pseudo secularism and what we hear are veritably fascist threats. In the name of Ram temple, an all-out effort is being made to create hatred against one another in the minds of people of India. This is a pernicious move and can lead to serious consequences. This has in it the seeds of Hindu *Rashtra* and, Sir, if today a responsible political party in the country can go to the extent of creating conditions for the establishment or even for the demand of a State based on one particular religion, I am sure, there would be justification in the demand from other people calling for a State based on their religions also. Ideas have legs and knowing this, some people in the BJP are busy planting ideas in the minds of the people, are busy planting brazenry communal ideas so that ordinary people are exploited for purely narrow political ends.

The sanctity of a religious place is derived from the pious religious purpose to which it is put and is derived from the sacred feelings that it exudes. All places of religious worship ought to do so. But, unfortunately, sometimes such places are misused for baser materialistic considerations. That inflicts a bloody blow to the body politic and harms the larger national interests. Today in a secular and democratic society, such as ours, larger national considerations must prevail over every other consideration. We must decide that for ourselves now and now itself.

We may all belong to different religious denominations. But the religion of a still higher order that we all belong to and must to proud of is being Indian. An average and true Hindu, or a true Muslim, or a true Sikh or a true Christian would be least obstructed in his daily prayers and pursuit of godly peace, only if the self-proclaiming protectors of this religion or that religion keep their eyes off from such places of worship.

In this context, without taking more time of this hon. House, I support the present Resolution. I support the content and spirit of the present Resolution because Congress has always stood for an amicable settlement of the issues that concern us, failing which—as it has been repeatedly said by us—we would honour any settlement or any decision handed out by the Court. But, for that—as was pointed out by Shri Shahabuddin—there has to be a feeling of give and take. There must not be adoption of any rigid stand. It must not be construed as a surrender of one to the whims and passions of the others. It is with that spirit that we have to go about this move.

I support the second part of the Resolution also that the *status quo* on religious shrines and places of worship as existed on 15th of August, 1947 be maintained and a law to enforce that be enacted. I am surprised to hear my hon. friends from BJP say that 15th of August, 1947 has no sanctity, as far as the functioning of the society itself is concerned and that it is only a date on which the Transfer of Power took place. With all humility and with all respect to my friends on the other side, I would like to differ with them on that issue. 15th of August, 1947 is a sacred day in our history, when we charted our course into the future as an independent country free from the yoke of foreign rule, the rule during which the rulers strove to divide us on religion, caste and creed. And that is the date when we set out in the comity of nation as a free country knowing as to what is good and what is bad for us. That date is very important. That date marks a watershed in our history because for national reconstruction and national reconciliation, we then decided to forget the past and to work our way into the future. If we carry with ourselves the legacy of hatred, we are bound to be deemed. If we carry the time-tested ethos of mutual love and respect for each other, only then we could achieve a brighter future for the country —a brighter future for the succeeding generations.

The apprehension that fixation of this date for the purpose of determining the *status quo* of the religious places may lead to the raking up of new disputes about many other places of worship is unfounded and will pose no problem if we decide to act honestly and sort out things with an open mind. An appropriate law in this respect is the need of the hour because law symbolises the yearning and aspirations of the people and in a changing, moving and dynamic society no law can be static. Today, responding to the yearning and sentiments of the overwhelming majority of the people of the country it becomes absolutely essential that a law is framed to check once for all the recurrence of disputes, the recurrence of violence over religious places, over the places of worship, and I am confident that when the Government moves for such a law, it will have unanimous support of the right thinking people in the country. The Government must not be unduly worried about some people who, for narrow political considerations, would be out to oppose it.

With these words, Sir, I support the Resolution.

SHRI E. AHAMED (Manjeri) : Sir, I rise to support the Resolution moved by the honourable Shri Zainal Abedin.

It is really heartening to note that the hon. Members of the House from all parties barring BJP have taken a united stand in respect of this highly sensitive issue facing the country. It is really a matter of gratification especially for the Members of the minority community that the overwhelming majority of the majority communities are not prepared to endorse the view of the BJP. Unfortunately BJP has taken a stand which is going to divide the two communities. Certain elements are creating hatred and mistrust between two communities. They are making it a political issue for their own political ends. The dispute is only that of a recent origin. I do not want to travel to entire history of the Babri Maszid-

Ramjanambhoomi dispute which ever citizen of the country knows very well.

I support this Resolution. There are two parts of this Resolution which are very much acceptable to every one in this country. The first part of the Resolution resolves taking steps to peacefully settle the dispute regarding the shrine at Ayodhya. I think no right thinking citizen of this country will disagree to this proposition. The second part is urging the Government to enact suitable legislation for preserving and maintaining the *status quo* of all religious shrines and places of worship as they existed on August 15, 1947.

Sir, the Congress Party and also my party have all committed this to the people of this country during the time of election. Therefore, this is a Resolution on which, I hope there will be no reservation for the Members of the House barring BJP. Therefore, in spite of whatever differences I have with the party of the mover on many things, I support this Resolution because we endorse this view that we have already expressed earlier.

17.00 hrs.

Sir, I feel the religion should be the philosophy of tolerance and coexistence and that is the best philosophy, especially those who are coming from the South from a tiny State like Kerala have that experience in our own life. One can see temples, churches and mosques standing side-by-side in our State as a perfect picture of communal harmony and I do not know why many of our friends in the northern part of the country do not emulate this example of Kerala.

Sir, hon. Member Shri Dixit is not present here now; he should have been present here. While speaking on this Resolution, he made certain remarks, which, according to me, are nothing but suppression of facts and suggestion of false hood. He was just following the legal dictum of *suppressio veri* and *suggestio falsi*. He had distorted the facts of this case. Therefore, I am constrained to mention some of the facts of the case to support the case of Muslims. Muslims did not and will not put forward any unreasonable claim. It has been made abundantly clear that Muslims are not at all against the construction of the temple in Ayodhya, but without demolishing the Babri Masjid; the demolition of Babri Masjid will naturally evoke the deep felt feelings of the Muslims about which the hon. Members of this House have already expressed their views.

Sir, with your permission, I would like to quote certain things from the records of the case. Hon. member of BJP Shri Dixit should have seen the records of the case as to what happened on December 23, 1949, the unfortunate day in the secular history of this country. I will just read the FIR filed by Shri Mata Prasad, the constable who was on duty at the shrine on 23rd December, 1949. This is the translated version of the FIR lodged by Sub-Inspector Ram Dube, police station Ayodhya on December 23, 1949, as certified by the office of the city Magistrate on February, 11, 1986.

I quote :

"According to Mata Prasad (paper No. 7), when I reached to Janam Bhumi around 8 O Clock in the morning, I came to know that group of 50-60 persons had entered Babri Mosque after breaking the compound gate lock of the mosque or through jumping across the walls of the compound with a stair and established therein, an idol of Shri Bhagwan and painted Sita Ram, etc., on the outer, and inner walls with geru (red-loam). Hans Raj on duty asked them to defer, but they did not."

"These persons have already entered the mosque before the available PAC (Provincial Armed Corps) guards could be commanded. Officials of the district administration came at the site and involved themselves in necessary arrangements. Afterwards, a crowd of 5000 to 6000 persons

gathered around and while chanting bhajans and raising religious slogans tried to enter the mosque but were deterred and nothing untoward happened thereon because of proper arrangements. Ram Das, Ram Shakti Das and 50 to 60 unidentified others entered the mosque surreptitiously and spoiled its sanctity. Government servants on duty and several others are witness to it. Therefore, it is written and filed."

This was the FIR that was filed about the incident which happened on 23rd December, 1949. It has been translated and certified on February 11, 1986. This has been substantiated by a telegram sent to the then Chief Minister of Uttar Pradesh, Shri Gobind Ballabh Pant by the then District Magistrate of the region, K. K. Nayar. Radio message was sent at 10·30 a.m. on December 23, 1949 by the District Magistrate, K.K. Nayar to the Chief Minister, Gobind Ballabh Pant and the Chief Secretary and the Home Secretary. It reads as follows :

"A few Hindus entered Babri Masjid at night when the Masjid was deserted and installed a deity there. DM and SP and force at spot. Situation under control. Police picket of 15 persons was on duty at night but did not apparently act."

These are the facts. But Shri S.C. Dikshit should not have misled and misrepresented all these facts in some other way. This is what BJP people are doing. They and their organs have been making venamous propaganda and trying to misrepresent the facts I can just point out one of the publications from their organ: *Organiser* RSS mouthpiece, of March 29, 1987 Well just see.

"What happened on December 22-23, 1949 ? The RSS mouthpiece, Organiser of March 29, 1987 will have us believe that "On the historic morning of December 23, 1949 the idols of Sri Ramachandra and Sita Devi miraculously appeared in the Janmasthan. As the Hindu devotees rejoiced over the miracle and thronged in their thousands".

That is the version they have given to what really happened. It is true that they have been trying to make such propaganda in order to mislead the people of this country. But fortunately, those who are committed to secularism, those who are committed to Hindu-Muslim unity, those who are committed to the ideals of Mahatma Gandhi would not belive it. A large number of such people would not believe it.

Mr. S. C. Dikshit in his speech has tried to mislead the House by twisting all these things. I only rebut these things here to set the record of the House straight.

A civil suit was filed on January 16, 1950 by one Gopal Singh Visharad for a declaration of a right to worship. The upshot of this litigation was predictable. The civil judge restrained the removal of the idols and interference with the puja "as at present carried on".

The sole purpose of this was just to deprive the right of those believers belonging to the Muslim community from offering their prayers and creating somehow problems to them,. In this case, the suit I mentioned when come before the Civil Judge who observed on March 3, 1951:

"The undisputed fact remains that on the date of this suit the idols of Shri Bhagwan Ram Chandra and others did exist ...."

This breaking open the locks on 23 Dec. 1949 and getting into the mosque and to install idols will show that the mosque belongs to Muslims. The Judge found the reason very interesting, inspite of the fact that, the Government of UP has taken the stand before the court in this case, was quite different one.

On April 24, 1950 before the Faizabad Judge, Mr. Ugra, who was Divisional Commissioner of Faizabad, on behalf of the State of Uttar Pradesh has submitted as follows :—

"The property in suit is known as Babri Masjid and it has been for a

long period in use as a mosque for the purpose of worship of the Muslims. It has not been in use as a temple of Shri Ram Chandraji."

This is what the UP Government has submitted before the Court as back as in 1950. The hon. Member Shri Dikshit has incorrectly submitted before this august House that there is no case that Muslims were in possession of it, and there was no case that Muslims have been using it as a mosque either. Such arguments do not hold water. I say, Sir, this argument is not maintainable, either in facts or in law.

There is also so much evidence which will prove beyond any shadow of doubt that the mosque did exist and the Muslims were in possession of it.

I can very well bring to the notice of this august House , all that evidence if necessary. But unfortunately, when the petition to open the mosque was decided by the District Judge, Faizabad, the observation made by him was quite distressing, because he did not even hear the parties involved namely, the Muslims. Even then the District Judge on .... 1986 observed as follows :—

"It is clear that it is not necessary to keep the locks at the gates for the purpose of maintaining law and order or the safety of the idols. This appears to be an unnecessary irritant to the applicant and other members of the community."

This is what the learned Judge has observed. One can very well understand what the Judge has in view in his mind when he decided the case in his own way. He said :—

"There is no apprehension of law and order." From the date of that Order passed by the District Judge, Shri Pandey, till this day, that is the only ground which not only this country but even the whole world has taken as an issue of law and order but still we find that the Judge has observed :—

"There is no reason to belive that there will be a question of law and order."

Sir, I do not want to take much of the precious time of this august House. But it is very interesting to read some portion of the Judgement passed by Shri K. M. Pandey, the District Judge while ordering to open the lock of Babri Masjid which has now turned out to be Babri Masjid Ram Janambhoomi dispute. The Judge said :—

"After having heard the parties, it is clear that the members of the other community, namely, the Muslims, are not going to be affected by any stretch of imagination if the locks of the gates were opened and the idols inside the premises are allowed to be seen and worshipped by the pilgrims and devotees. It is undisputed that the premises are presently in the court's possession and that for the last 35 years. Hindus have had an unrestricted right of worship as a result of the court's order of 1950 and 1951."

It is not only against the fact of the case but also very much against law as well as natural justice.

In spite of all these things, we want it to be settled as early as possible. Therefore, I also support the views expressed by the hon. Member, my learned friend Shri Syed Shahabuddin that Muslims the minorities are always agreeable to have a peaceful settlement of the case. We are living in a civilised society and no citizen living in this civilised society can say that he will not respect the verdict of a Court of Law. It is the duty of all the parties involved—the Vishwa Hindu Parishad and the Babri Masjid Action Committee as also the Coordinating Committee representing all the sections-to come to an understanding and agreement and settle the dispute because it affects the very secular fabric of our country. We have to strengthe n secularism because the Hindus and the Muslims as also the people of other religions are to live in peace and tranquillity because that is the imperative need to make efforts in this country to be successful.

Sir, I may avail of this occasion to urge everybody through you, not only those in the House but those out of the

House and the country that they should see how the non-Muslims friends and brothers are supporting the cause of minority in this country. In our country, the right to worship is enshrined in the Constitution. Every citizen has to uphold that principle enshrined in the Constitution. Every citizen has the right of worship. Perhaps we could see the anxiety on this matter from the speeches made by the hon. Members of this House. That is the greatest and sure guarantee of this sacred right in this country.

Sir, we have to live in peace and tranquillity. We have to live in harmony. Communal harmony and amity is the need of the hour. Therefore, whenever one may try to destroy this secular fabric of the country, everybody should join hands together to defeat that.

The first War of Independence took place in 1857. It is known as the Sepoy Mutiny. What was the war for ? It was a war fought by Muslims and Hindus together. They fought shoulder to shoulder against the colonial powers who usurped the very seat of power of the people of this country. At that time, the Hindus and the Muslims were together to protect the Kingdom of the last of the Mughals, to protect the King Bahadur Shah Zaffar. He was one of the last of the Mughal Emperors and also the descendent of Babar, the much maligned Babar. Therefore, the Hindus and the Muslims in that case will be happy to know the historical facts. They will be happy to know that those communities have stood against the onslaught of the imperialism and colonialism and of those vested interests and fought for the sake of this country. Therefore it is time for all of us to uphold secularism and to uphold the banner of communal amity, communal harmony for which our Father of the Nation laid down his precious life.

With these few words while I once again support the Resolution and I hope that the Vishwa Hindu Parishad and their allies would just appreciate the feelings of this august House. This is the seat of the democratic India reflecting the very wishes and aspirations of all the people of this country. We should solve this dispute by negotiation if the verdict of the Court is not honoured. All of us should go forward hand in hand to defeat the enemies of this country.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH) : Hon. Chairman, the Resolution before the House is one which is not only dealing with the situation that has been created because of the misadventure of certain people who believe that anything, fair and foul, is justifiable in the pursuit of political ends. Politics, no doubt, has a very wide canvas and history is witness to a lot of things that have happened, either for the sake of political expediency or sometimes they have happened in spite of an honest effort being made to put things right.

I believe, that the situation that has arisen in the last two or three years, which has created this situation, which has necessitated this Resolution, is not only the creation of political expediency but I will go further to say that the situation has been created because certain people chose to act in a manner totally alien to the ethos that has evolved in this country since we started our freedom struggle to free the country from foreign yoke. You cannot just reverse certain things which become identified with the total consciousness of the people of a country. When Mahatmaji started the freedom movement and even before him, when great leaders of this country tried to rouse the people of India—Shri Rabindra Nathji. Shri Tilakji and many other great people— the core of their effort was to create the consciousness of an India totally at peace within itself, if I may be allowed to say, a country which had a thousands of years of inheritance, an inheritance which is real both in variety and in content.

When we juxtapose that with what has been sought to be done in the last two or three years, it is tragic, sometimes even pathetic when we are told that even our heritage has to be dated. We have to put a date on our heritage— from this point of time to that point of time, this is what the heritage of this

country is. Then we are supposed to feel proud that this period belongs to us and that period belongs to somebody else and in this process, we want to set one section of people against the other section of people.

In all humility, I would like to say this is something which can only result in the total destruction of the fabric of this country which has been woven with dedication, commitment and sacrifices of thousands and thousands of patriots, some known and some unknown. If we want to destroy this fabric, then we can do so only at the peril of this great nation.

The dispute about the Ram Janmabhoomi and Babri Masjid, if I may be allowed to say so, I feel diffident and sometimes I feel very sad that we have to conjure up a dispute between deities between our prophets and all that we hold here.

The religious teachings of all these religions is brotherhood as the basis of human relationship, compassion, pity and total understanding with all other religions. Today, we are told that they are at loggerheads and we have to resolve a dispute which some people have manufactured—not between Gods and the dieties—to somehow influence their political and electoral results. When I say this, I am conscious of the fact that religious sentiment has been aroused; that people's passions have been raised.

What is needed is, everyone in this country who wants that this country should attain its manifest destiny, have to hold their hands, have to halt, stop and ponder as to where we are going and to put a check on this process of communalising the politics of India.

A lot has been said recently about how someone is responsible for a certain situation and how someone else is responsible for a certain state of situation. This is an endless debate. We can go on arguing about this as they say "till the cow comes home". But, there must be a home for the cow to come back too. If in the process of this argument, all the homes and hearths of this country are to be set ablaze, if all the hopes and aspirations of the people are to be turned to dust, then where will be the sacred cows, that some people want altogether to come home to ?

Therefore, it is very essential that a deliberate decision be taken in this country that no one shall be allowed to light any more bush fires around the country; no one should be allowed to communalise the situation in the country; no one should be allowed to mix religion with politics and certainly no one should be allowed to get away with a benefit that they hope and seek to reap by it. For that, it is necessary that this august House—the Parliament —should become the conscience of the nation and spell out in clear and categorical terms the true limits to which, I have no other word to decsribe it... (*Interruptions*)

SHRI LOKANATH CHOUDHURY (Jagatsinghpur) : You also lack in vocabulary ! 408

SHRI ARJUN SINGH : At least, I do not borrow it.

What I was saying Sir, is that we should make it absolutely clear that the limits will have to be set and these issues are to be resolved. There is no other way in a democratic system, than to resolve issues by mutual consent; by mutual dialogue and in a peaceful manner, to that, more religious bush fires are not allowed. It is essential and the Congress Party in its manifesto has made it absolutely clear, which the hon. President of India has reiterated in his Address to both Houses of Parliament that in all religious places, a *status quo* shall be maintained as of 15th August, 1947, except in Ramjanmabhoomi-Babri Masjid, which has been excluded, not because there is a dispute, and Somnath temple matter was also mentioned, since it has already been fore-closed.

Therefore, the spirit of this resolution is in total consonance with the aspirations of the people of this country, who have only the well being of the Mother India at heart.

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SHRIMATI MALINI BHATTACHARYA (Jadavpur) : We want to know whether the Minister will be bringing a legislation in this regard in this session itself ?

MR. CHAIRMAN : The time allotted for Private Members' Resolution is over. The next item is Half-an-Hour discussion. Shri Anna Joshi is not present in the House. Then we will have to utilise this time for the Government work.

SHRI BASU DEB ACHARIA (Bankura) : No Sir. You continue with the Private Members' Resolution.

MR. CHAIRMAN : The time allotted for Private Members' business is over.

SHRI BASU DEB ACHARIA : Then you adjourn the House.

MR. CHAIRMAN : Two and a half hours allotted for Private Members' Business is over. So we cannot again continue with it. We will have to utilise the remaining time for the Government's work.

The next item is Statutory Resolution, Item No. 26. Shri Giridharilal Bhargava is not present. Shri Jaswant Singh is not present. Shri V. Sobhanadreeswara Rao is not present. Shri Syed Shahabuddin is to move the Resolution. This Statutory Resolution and the corresponding Bill will be discussed together. The time allotted for this is two hours.

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Bill

17.32 hrs.

STATUTORY RESOLUTION RE. DISAPPROVAL OF TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT ORDINANCE, 1991

AND

TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT BILL — C

[English]

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SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, I beg to move :

"That this House disapproves of the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1991 (Ordinance No. 5 of 1991) promulgated by the President on the 2nd May, 1991."

Sir, when the Terrorist and Disruptive Activities Act was being debated in this House in 1987, many of us considered it to be a black act, a piece of legislation of draconian proportions and we anticipated that this legislation helps open a dark chapter in our legislative history.

In the four years that it has been in operation much that has happened has served to exemplify the fears and apprehensions that we had expressed at the time of legislation. In practice it has been violative of human rights; it has served to denigrate the fundamental right senshrined in our Constitution and in fact it has denigrated human dignity of our common citizens. It has been used in an excessive manner and few other pieces of legislation in the history of our independence have provided such avenues for excessive use of executive power as the notorious TADA.